



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, NY 10007

JAMES E. JOHNSON  
Corporation Counsel

MARK D. ZUCKERMAN  
Senior Counsel  
E-mail: mzuckerm@law.nyc.gov  
Phone: (212) 356-3519  
Fax: (212) 788-9776

**MEMO ENDORSED**

August 26, 2020

**VIA ECF**

The Honorable Denise L. Cote  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007

USDC SDNY
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Re: Arisbel Gusman v. City of New York, et. al., 19 CV 11691 (DLC)

Your Honor:

I am a Senior Counsel in the office of James E. Johnson, Corporation Counsel of the City of New York, representing defendants in the above-referenced matter. I write jointly with plaintiff's counsel to respectfully request that discovery be stayed herein through September 18, 2020, with the exception of defendants' testing of the subject books/magazines by a private laboratory, Ascertain Forensics, which will proceed. The Court has already granted the same stay in the related Camacho case, and both cases are on a similar discovery track.

Since the last court conference of February 28, 2020, the parties have engaged in substantial written discovery and motion practice, despite the pandemic. The parties believe that at this juncture that settlement should be explored. Magistrate Judge Wang has scheduled in a full settlement conference in the Camacho case for September 14, 2020, and a second pre-settlement scheduling conference herein for September 16, 2020.

One issue that came up at the last pretrial conference of February 28, 2020, was testing of the subject books and magazines which are believed to be in possession of the NYPD Property Clerk. Plaintiff has no objection to the testing being performed. As it will take some time to get the test results, the parties believe that the best course is to proceed with the next pre-settlement scheduling conference before Magistrate Judge Wang on September 16<sup>th</sup>.

Based on the foregoing, in the interest of judicial economy, and to preserve resources, the parties respectfully request to stay discovery of this matter through September 18, 2020.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Mark D. Zuckerman

Mark D. Zuckerman  
Senior Counsel

cc: All Counsel (via ECF)

*Granted.*  
*James C. [unclear]*  
*8/27/20*